

November 1, 2012

The Common Council met as the Water Utility Board at 7:0 pm on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Fuelling, Hoehn, Curtis, and Higgins attending. Board member Shelton was not present. Others attending were Attorney Higgins; Supt. Gray; Chief Dixon; ACO James; Rich DeMarco – Johnson Controls, Inc.; Ann Fischer; Nancy Sexton; members of Posey County Pound Puppies; Angela Gerald – Mount Vernon Democrat; and arriving during the meeting, Chief Beloat and Supt. Givens.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Curtis moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Higgins moved the claims presented be allowed for payment. Seconded by Board member Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the report of the Water Chairman.

Chairman Curtis stated there is a lot going on at the water works and asked if Mr. DeMarco wished to give the Board an update.

Mr. DeMarco approached and updated the Board as follows:

1. Electrical building

Building in place is 100%

Power feed conduit from source to building is 100%

Installation of Electrical VFD drives, Switch gear, motor control center

Misc electrical components 100%

Wiring of the switch gear, VFD's to start

Chief Beloat arrived at the meeting.

2. Cofferdam Status

Removal of river bank piping and tunnel piping is 100%

Installation of new intake piping from the deep well structure towards the starts next week

Removal of old river piping and installation of new piping is ongoing and will be completed

3. Deep Well Status

Floor pour is 100%
The first wall pour is 100%
The second wall pour scheduled for late next week

Mr. DeMarco concluded by stating there will probably be five pours then the motors will be installed when the pours are complete. He asked if there were any questions ?

There were none.

He then stated Board can come down and take a look anytime, but they would appreciate a day advance notice.

Board member Curtis added there are also some great pictures are available.

Supt. Givens arrived at the meeting.

Supt. Gray stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?

Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker stated they are now ready for the Legal portion of the Agenda.

Attorney Higgins stated in reference to the IURC petition they had discussed some meetings back, it has been received by the state and the city's rates have been approved. She added she forwarded the approval to Clerk-Treasurer Sitzman, Supt. Gray, Mayor Tucker and Supt. Givens.

Mayor Tucker asked if anyone in the Audience wished to address the Board ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Board member Curtis moved the meeting be adjourned. Seconded by Board member Higgins.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Sitzman
Clerk-Treasurer

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Fuelling, Hoehn, Curtis, and Higgins attending. Councilwoman Shelton was not present. Others attending were Attorney Higgins; Supt. Gray; Chief Dixon; ACO James; Rich DeMarco – Johnson Controls, Inc.; Ann Fischer; Nancy Sexton; members of Posey County Pound Puppies; Angela Gerald – Mount Vernon Democrat; Chief Beloat and Supt. Givens.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Councilman Curtis moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairman Fuelling stated he has no report.

Comm. Maynard was not present.

Mayor Tucker asked if there were any questions ?

There were none.

Police & Dog Chairwoman Shelton was not present.

Chief Beloat stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Fire Chairwoman Higgins stated she has no report.

Chief Dixon stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Sewer Chairman Hoehn stated he has no report.

Supt. Givens stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker asked about the Financial Report.

Clerk-Treasurer Sitzman replied as month ended yesterday it is not yet ready.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker stated they are now ready for the Legal portion of the Agenda.

Attorney Higgins stated the first item is the 3rd reading, or further tabling, of the Ordinance Updating, Restating, and Recodifying Title IC – General Regulations, Chapter 91 – Animals.

Councilman Curtis asked if the committee had a report on this before they proceed ?

Councilwoman Higgins stated she chaired the committee and members included Dr. Sarah Appel, Ken Rudibaugh, ACO James, and Chief Beloat. She added they went page by page through the ordinance and made the following suggestions/changes:

Section 91.01 DEFINITIONS KENNELS; place period after “cats” and strike out “or any household or noncommercial animal establishment harboring four or more animals.”

Section 91.03 (D) should be removed all together, which addresses the number of animals

Section 91.26 (A) there is no longer a Township Assessor, that phrase should be removed

Section 91.25 (A) just a typo, but “County Health Officer of the Mayor...” should be changed to “County Health Officer OR the Mayor...”

Councilwoman Higgins then suggested the table this ordinance again, see the changes made, then have third reading.

Councilman Curtis stated it sounds like the committee wants this tabled again to possibly wait for a response from the public ?

Councilman Hoehn asked if it will only be tabled until the next meeting.

Councilwoman Higgins replied yes.

Councilman Curtis asked if there is any more discussion, as there are quite a few people in the audience presumably for this issue.

Councilman Fuelling stated he is fine with the changes that were suggested.

Councilman Curtis asked if there were any other comments ? They would prefer to hear them now instead of two weeks from now when the ordinance has been redone yet again.

Someone from the audience suggested the Council have this discussion in laymen’s terms instead of section number this or that.

Councilman Hoehn stated basically if someone has pets, and they take care of those pets, and they take those pets to the vet and they have their shots and they cause no offense to anyone, they can have as many as they want. Unless they become an issue.

Again, there was discussion by some unidentified audience members.

Councilman Curtis stated, as Councilman Hoehn indicated, the suggestion here is the City of Mount Vernon has no limit on the number of pets a person has UNLESS there is a complaint of them not being kept up. The County ordinance does limit the number.

Councilman Hoehn stated if the ACO is called in, there are fines and penalties in place for folks in violation. IF there is an issue. Or there could be a time when an animal would be immediately taken, if the animal is vicious for example.

Attorney Higgins added complaints will be handled with common sense, much the same way law enforcement handles complaints. She stated there is no requirement that a ticket be issued.

Councilman Curtis stated there are fines in the ordinance, and the new ordinance has higher fines to be more in line with the costs that are involved.

Attorney Higgins replied, in response to a question about licenses, the City has no license fee. The County has an old ordinance on the books about dog tags, but the City does not.

Councilman Curtis added that in years past there was even a difference in price between tags for female dogs and male dogs. He then stated, as with so many things, enforcement is the issue. He added he is hearing the audience reference heart worm treatments, etc. and that would not be feasible to enforce.

Councilwoman Higgins asked ACO James if he checks on up to date shots when he goes on calls ?
ACO James replied yes, and he also has records of all of that.

Councilman Curtis added it sounds like if all the things were removed/changed that the committee suggested the public would support this.

The audience responded that yes, but that they would also like to read the full ordinance first.

Councilwoman Higgins added Dr. Appel approved the changes and it also helps Mr. James do his job.

ACO James agreed and added this ordinance has more bite to it.

Councilman Curtis suggested the ordinance be amended as discussed and placed on the city website for the public to view.

Councilman Hoehn added the Council's intent is to keep residential pet owners, etc. separate from commercial pet businesses.

Councilwoman Higgins moved the ordinance be tabled on third reading for review of the revised version at the next meeting. Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any further discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasure with Council voting as follows:

Shelton – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Attorney Higgins stated the next item is the 2nd reading of the Ordinance to Amend the City of Mt. Vernon Code of Ordinance, Title 15-Land Usage, Chapter 153-Zoning Code, The Zoning Ordinance of the City of Mount Vernon, the Town of Cynthiana, Town of Poseyville and Unincorporated Posey County, SECTION 153.88(A)(18) Use Unit 20-Commercial Recreation: Intensive Section 153.015 (A)(8) Use Unit 20-Commercial and Recreation: Intensive and Appendix A: Use Unit 20 – Commercial Recreation: Intensive. She reminded Council this was presented at the last meeting by Mrs. Bourne, and unanimously recommended for approval by the Area Plan Commission.

Councilman Curtis moved the ordinance pass on second reading. Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasure with Council voting as follows:

Shelton – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilman Curtis moved the rules be suspended. Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasure with Council voting as follows:

Shelton – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilman Curtis moved the ordinance pass on final reading. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasure with Council voting as follows:

Shelton – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.
Mayor Tucker stated the motion carried unanimously.
Clerk-Treasurer Sitzman added it will be numbered 12-22.

Attorney Higgins stated the next item is the first reading of the Ordinance Establishing Salaries for the Elected Officials for the City of Mount Vernon for the Year Ending December 31, 2012.

Clerk-Treasurer Sitzman added as Council will notice, only the dates have changed, as there were no raises, the amounts are the same.

Councilman Curtis moved the ordinance pass on first reading. Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasure with Council voting as follows:

Shelton – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Attorney Higgins stated the final item is a Resolution of Loan in the amount of \$200,000.00 from Rainy Day to General Fund. She added it is pretty hard to make ends meet when “you only get paid twice a year”.

Councilman Hoehn moved the Resolution pass. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

Councilman Hoehn stated he has some questions – when Umbaugh did their study, did they know these loans were floating out there ?

Councilman Curtis replied yes.

Councilman Hoehn asked again if the gal from Umbaugh did indeed know of these loans?

Councilman Curtis and Attorney Higgins both replied yes, she knew.

Councilman Curtis asked why they need to pay them back ? He added Rainy Day and EDIT money can be applied in the regular budget to a department. There are provisions that allow loans from these funds to not have to be repaid. He then stated currently EDIT has one loan out - \$350,000 to the General Fund and Rainy Day has two: \$75,000 to Park and Rec and \$200,000 to the General Fund. He then stated these two funds still have sufficient funds to forgive the payback. He added by not paying these back, the City won't immediately be back in the hole once settlement is received.

Councilman Hoehn agreed and asked why leave the money in EDIT – he realizes there are some legal restraints which is why this resolution is before them, but this could all be done on the front end.

Councilman Curtis responded with: exactly. He added that in the past, the loans had to be paid back, but that isn't the case now.

Councilman Hoehn added he agrees totally.

Councilman Curtis stated he understands that per Council direction, there is no Rainy Day budget for 2013 and any future payments will be directed to the General Fund. EDIT had budgeted items for 2013, which should be not zeroed out. He added these monies need to be allocated and the loans do not need to be paid back.

Attorney Higgins suggested they approved this resolution then prepare a resolution forgiving the outstanding loans.

Councilman Hoehn stated Umbaugh suggested a balance in the Rainy Day Fund of 12 – 15%, just in case.

Attorney Higgins agreed yes, they should keep the fund and keep money in it.

Mayor Tucker stated he is also looking to create more TIF areas, and look at future annexations.

Councilman Hoehn agreed and added 15% of a \$3M budget is pretty steep. They also need to be looking at EDIT and COIT when they begin to go after growth and they sure don't want to hit bottom.

Mayor Tucker stated they have a beautiful riverfront now, but they also need to keep in mind the financial responsibility of the upkeep. He then asked if there were any other questions ? There were none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Shelton – absent; Fuelling yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Sitzman added it will be numbered 12-23.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

Councilman Hoehn stated in reference to the tanks at the co-op, they will be putting in cameras, additional lighting, and they will be moving them to between a building and the Hucks store. He added this will put them 1,000 feet from a school and 200 feet from a residence.

Councilman Hoehn asked about the West School water garden area ?

Mayor Tucker replied they are in the process of scheduling a meeting with BLA and the MSD of Mt. Vernon.

Councilman Hoehn stated the bridge east of town – the County Council realizes they are committed to that and they are going to go forward, but they are wanting input from the public first. He urged folks to call 838-1311 in support of the bridge.

Councilman Hoehn continued by stating in reference to the animal control issue, it is on the docket for the next go round at the Area Plan Commission for the number of animals that is legal.

Councilman Hoehn then questioned the Mulberry Street meth house.

Attorney Higgins replied it was sold and the buyer has petitioned for deed which means, it CAN be torn down. She added there are public records indicating petition for deed.

Councilman Hoehn stated if Council agrees, he wants to put items such as these on the Agenda under Old Business so they don't get put on the back burner and possibly forgotten.

Councilwoman Higgins stated in that case, Christmas on Main Street will be December 1, 2012 and there is a lot of interest out there this year. There are parade guidelines available and they are accepting donations of cash or toys up to grade 5.

Ann Fischer questioned the parking by the courthouse ? She stated she was under the impression there was going to be a change or two on the east side.

Mayor Tucker replied he believes it was published in the paper because there will be fines involved.

Attorney Higgins added she reminded Comm. Maynard about that this week and he acted like he knew about it.

Mayor Tucker asked if there was any New Business ?

Councilwoman Higgins stated she would like the Council to consider moving their meetings back to Monday nights. She has had some people say they prefer that and if someone is gone to a class, etc. and they are not back by Thursday, they have missed all of the meetings.

Councilman Curtis replied that he has been at City Hall today since 9:00 am and he has not changed his position on that, he prefers it the way it is.

Councilwoman Higgins just asked that they consider it.

Councilman Hoehn stated it is difficult a few times a year if the APC has a hot meeting, to make it here by 7:00 pm, but he doesn't care either way.

Mayor Tucker stated he would like to thank Supt. Gray for once again taking on the city's black birds and crows. He does a terrific job and gets no extra pay, but he may be in the need for funds for equipment later on.

Mayor Tucker stated they will now hear the reports of the Districts.

1st District Councilwoman Shelton was not present.

2nd District Councilman Fuelling stated he has no report.

3rd District Councilman Hoehn stated he has no report.

4th District Councilman Curtis stated Chief Beloit and Chief Dixon failed to report that they handed out over 1,000 bags of candy on Halloween and Lawrence Addition takes the prize for most trick-or-treaters.

Councilwoman-at-Large Higgins stated she has no report.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Councilman Hoehn moved the meeting be adjourned. Seconded by Councilman Curtis.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Sitzman
Clerk-Treasurer